

TOWN OF POLK
Plan Commission Minutes
October 6, 2009
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I. Call Meeting to Order - The meeting of the Plan Commission of the Town of Polk was called to order by Chairman Albert Schulteis immediately after the Public Hearing.

A. Official Meeting Notice - Chairman Schulteis reported that the notice of the meeting was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel and posted at the Town Hall, Highway View School, Cedar Hills bulletin boards, and also posted on the Town of Polk website.

B. Roll Call - Members present: Chairman Albert Schulteis, Willard Heppe, Karen Reiter, Mark Peters, Marvin Kissinger, Robert Roecker, Supervisor Theodore Merten, guest Supervisor Harold Groth and Judy Stephenson, Zoning Secretary.

C. Approval of minutes for September 1, 2009 - Motion made by Robert Roecker to approve the September 1, 2009 minutes. Motion seconded by Mark Peters. All voted in favor and motion carried.

II. Unfinished Business - none

III. New Business - Discussion/Possible Action on the Following:

A. Conceptual land division for one lot of approximately 10 acres out of a 34.27 acre parcel for JRPF Properties LLC, 3453 Pleasant Valley Rd., zoned A-1 Agriculture, Section 11, Tax Key #T9-0450-00Z, and relocating of an existing CSM of approximately 5 acres for John & June Peil, 3489 Pleasant Valley Rd. Zoned A-1 Agriculture. Section 11. Tax Key #T9-0450-00A.

Mark Peters recused himself. John Peil stated that he would like Mark Peters to discuss the proposed land division on his behalf. Mark Peters stated that the 5 acre lot owned by John & June Peil would be repositioned on the entire parcel owned by John Peil under the name JRPF Properties LLC. He further stated that the relocation is necessary to provide a minimum of 300 ft. of road frontage to make the rest of the property conforming. Mr. Peters stated that the Building Inspector requested that a conceptual future land division for the remainder of the property be submitted to show that it has been taken into consideration and that has been done.

Motion made by Karen Reiter and seconded by Robert Roecker to recommend approval to the Town Board of the conceptual land division for one lot of approximately 10 acres out of a 34.27 acre parcel for JRPF Properties LLC, and relocating of an existing CSM of approximately 5 acres for John & June Peil as requested. Discussion was then held. John Frey stated that Mr. Peil has done everything that was asked. He further stated that the 10 acre parcel approval would be

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contingent upon the shift of the 5 acre parcel. Willard Heppe stated that the 5 acre parcel CSM must be recorded before the 10 acre CSM can be recorded..

John Frey stated that the next step would be for a surveyor to prepare Certified Survey Maps and go on a Plan Commission agenda for approval. Both CSMs could be addressed on the same agenda but the 10 acre parcel CSM would not be signed until the 5 acre relocation CSM is signed and recorded.

Karen Reiter moved and Robert Roecker seconded to amend their motion to read that the relocated parcel CSM must be signed and registered prior to the 10 acre CSM being signed and recorded. All voted in favor and the motion carried. Mark Peters had excused himself and did not vote.

B. Conditional Use Application to attach rack and antenna extension to a height of 195' on existing 180' Monopole Tower and construct a new base equipment building, size 12' x 24' inside existing fenced compound located at 4064 Pleasant Valley Road, West Bend. Property owners are Anton and Katherine Martin. Applicant is Ronald Zechel, U.S. Cellular, 3545 N. 124th St., Brookfield, Wi. 53005. Tax Key #T-9-0060-00Z, Section 3, 14.37 Acre lot, Zoned A-1 Agriculture.

Ronald Zechel stated that there is a copy of the FAA approval for the tower and he will provide it again to the Town. He further stated that the tower is certified by a registered engineer to be in accordance with structural standards for antennas by the Electronics Industry Association per Town Zoning Ordinance 4.07 (8).

Motion made by Mark Peters and seconded by Karen Reiter to recommend approval to the Town Board of the CUP to attach rack and antenna extension to a height of 195' on existing 180' Monopole Tower and construct a new base equipment building size 12' x 24' inside existing fenced compound located at 4064 Pleasant Valley Road. All voted in favor and the motion carried.

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C. Conditional Use Application to construct a 25' Wind Turbine at 4024 Hillside Road. Applicant and owners of the property are John & Deborah Merten. Tax Key T9-0575-00C, Section 15, 5.00 Acres, Zoned A-1 Agriculture.

Ted Merten recused himself.

Willard Heppe asked how many decibels there would be at 100' from the windmill. Mr. Merten stated that he did not know but it was in the literature. Karen Reiter stated that the windmill must be at least 25' from the property line. Deborah Merten stated that there were no houses for several hundred feet behind their lot. She further stated that the energy produced by the windmill was for their home only; there would be a buried cable connecting the windmill to the house and the electric line would be reviewed and certified by WE Energies. Mr. Merten stated that the Electric Co. buys the energy and gives them credit for it. Karen Reiter stated that there must be a 6 ft. fence around the windmill with a sign posting a warning. Chairman Schulteis asked if the windmill company had recommended any particular amount of liability insurance. Mr. Merten stated that insurance was not addressed but he thought his homeowners insurance would cover the windmill. Karen Reiter stated that the University of Wisconsin Extension has staff that will assist the Mertens per State Statutes. John Frey stated that he would require a letter from WE Energies before he would issue the building permit; the letter would cover the Town and the property owner to show what they propose to do. Karen Reiter stated that Section 4.05 (9) of the Town Zoning Ordinance requires that the utility company be notified in writing of any proposed interface with the company's grid prior to installing said interface and copies of comments are to be part of the application for conditional use. She further stated that State Statutes require that the permittee shall record with the Register of Deeds of the County where wind energy system will be located. John Frey stated that he believed the statute referred to the large windmills and wind farms, not a small scale windmill. He further stated that he would compare this windmill to the ones that most farms used to have and so he would not hold it to the same standards as cell towers and large windmills. Albert Schulteis asked if the Mertens should provide some proof of liability insurance or if it could be assumed that WE Energies would not allow and certify a hook up of a windmill that did not meet safety standards. John Frey stated that he did not feel proof of insurance was necessary for a structure this size. Discussion was held.

Motion made by Karen Reiter and seconded by Robert Roecker to recommend approval to the Town Board of the CUP for a 25' Wind Turbine at 4024 Hillside Rd provided that the owners provide a certificate of insurance and a letter of approval from WE Energies to hook up to the grid in time for the Town Board meeting on October 15, 2009.

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D. Application for Business Use for Dave's H-D Truck & 4 x 4 Repair, LLC and 16' by 8' wall sign, not to exceed 20' in height, to be located at 2993 Sherman Rd., Jackson. Property owner is RE Investment Property LLC., 3181 Mileview Rd., West Bend. Section 25, 4.91 Acres, Zoned B-1 Business.

Property owner Ron Gundrum and Dave Vejvoda, owner of Dave's H-D Truck & 4 x 4 Repair, LLC, were present. Dave Vejvoda stated that he would be moving his business from its present location at 3506 Hwy 175 to the vacant building and property at 2993 Sherman Rd. and putting up a 50' by 50' fence on the south side of the building for vehicles that are waiting for parts. He further stated he would do landscaping to the front of the building and put a business sign on it. He also stated that he planned to extend the parking lot, which would remain graveled, by 10' to the east and 10' to the south. Willard Heppe stated that Mr. Vejvoda's business has been at the Ackerville location for 10 years and has not had junk setting around it. Mr. Vejvoda stated that he would not be painting or doing body work, he would only be repairing vehicles. John Frey stated that Mr. Vejvoda has provided the engineering information requested for the mezzanine interior remodeling; he is before the Plan Commission for business use approval and sign approval. Mr. Frey further stated that when the building was originally built, the Plan Commission required a landscaping plan; because of the fact that the original tenant never followed through, no landscaping was ever done. John Frey stated that the Plan Commission should stipulate a time frame when the landscaping should be completed and should also consider whether the parking lot should be paved or not. Willard Heppe stated that he would not want to put a burden on the business with blacktopping costs. Mr. Vejvoda stated that it was gravel all the way out to 10' from the road, where the blacktop begins; no gravel will go onto the road. He further stated that he would start out by leasing the property with a option to purchase in three to five years. Discussion was held.

Motion made by Willard Heppe and seconded by Karen Reiter to recommend approval to the Town Board of the Business Use application, sign and landscaping plan for Dave's H-D Truck & 4 x 4 Repair, LLC to be located at 2993 Sherman Rd.; landscaping to be completed by the end of 2010. All voted in favor and the motion carried.

E. Petition for Ordinance change to Title X of the Municipal Code of the Town of Polk, Zoning Ordinance, Section 2.05 Use Restrictions to address tennis courts.

Discussion was held. John Frey stated that someone on the Plan Commission had done a lot of work and research on the proposed Ordinance change addressing tennis courts and that is to be commended. He further stated that this was prompted by a request for a variance to Zoning Board of Appeals relative to fence height in an R-1 Residential District, which has smaller lots and limited fence height. Mr. Frey further stated that there had been one request for a variance

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relative to tennis courts in the 12 years since he has been with the Town as Building Inspector; he did not think it is necessary to specify and stipulate or even address or adopt an ordinance relative to tennis courts if a question only comes up every 10 or 12 years. John Frey stated that he thought it was appropriate for this question of the size of the fence relative to a tennis court on a certain size property to go to the Zoning Board of Appeals, where the Board could look at all factors of the location on the property in question. Karen Reiter stated that the Board of Appeals did ask for guidance about tennis courts. Further discussion was held.

Motion Made by Karen Reiter and seconded by Mark Peters to recommend to the Town Board that the Petition for Ordinance be tabled. All voted in favor and the motion carried.

F. Zoning Violations - Judy Stephenson stated that the Town Officer would be issuing weekly citations to the property owner on Hwy C until the junk was removed from the yard. Marvin Kissinger stated that the brush on the corner of Mayfield Rd. and Sherman Rd. was creating an obstruction for traffic. Chairman Schulteis stated that the Town had trimmed the trees awhile back but it is tight; he will talk to the Town highway person to see what more could be done.

IV. Other Business

- A. Correspondence - none
- B. Informational items - none
- C. Board of Appeals - none.
- D. Building Inspector's Report - none

V. Adjournment - Motion made by Mark Peters and seconded by Marvin Kissinger to adjourn. All voted in favor and the meeting was adjourned at 9:03 p.m.

Respectfully Submitted,

Judy Stephenson
Zoning Secretary